

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN-DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, *et al.*, *ex*
rel. ASHOK JAIN, M.D.,

Plaintiffs,

v.

UNIVERSAL HEALTH SERVICES INC., *et*
al.,

Defendants.

UNITED STATES OF AMERICA, *et al.*, *ex*
rel. JANE DOE, *et al.*,

Plaintiffs,

v.

UNIVERSAL HEALTH SERVICES INC., *et*
al.,

Defendants.

UNITED STATES OF AMERICA, *et al.*, *ex*
rel. JUNE P. BRINSON, *et al.*,

Plaintiffs,

v.

UNIVERSAL HEALTH SERVICES INC., *et*
al.,

Defendants.

UNITED STATES OF AMERICA, *et al.*, *ex*
rel. TIFFANY MITCHELL,

Plaintiffs,

v.

UNIVERSAL HEALTH SERVICES INC., *et*
al.,

Defendants.

CIVIL ACTION
No. 2:13-cv-06499-AB

CIVIL ACTION
No. 2:14-cv-00921-AB

CIVIL ACTION
No. 2:14-cv-07275-AB

CIVIL ACTION
No. 2:15-cv-00259-AB

UNITED STATES OF AMERICA, *ex rel.*

JUDY PATE,

Plaintiffs,

v.

UNIVERSAL HEALTH SERVICES INC., *et al.*,

Defendants.

UNITED STATES OF AMERICA, *et al., ex rel.* RICKY NAYLOR,

Plaintiffs,

v.

UNIVERSAL HEALTH SERVICES INC., *et al.,*

Defendants.

UNITED STATES OF AMERICA, *et al., ex rel.* SHERALYN CHISHOLM,

Plaintiffs,

v.

UNIVERSAL HEALTH SERVICES INC., *et al.,*

Defendants.

UNITED STATES OF AMERICA, *ex rel.* RUSSELL PETERSON,

Plaintiffs,

v.

UNIVERSAL HEALTH SERVICES INC., *et al.,*

Defendants.

CIVIL ACTION
No. 2:15-cv-00554-AB

CIVIL ACTION
No. 2:14-cv-06198-AB

CIVIL ACTION
No. 2:17-cv-01892-AB

CIVIL ACTION
No. 2:17-cv-01897-AB

UNITED STATES OF AMERICA, *ex rel.*
CARRIE EBORALL,
Plaintiffs,

v.

UNIVERSAL HEALTH SERVICES INC., *et
al.*,
Defendants.

UNITED STATES OF AMERICA, *ex rel.*
CARMELLA GARDNER,
Plaintiffs,

v.

UNIVERSAL HEALTH SERVICES INC., *et
al.*,
Defendants.

UNITED STATES OF AMERICA, *et al.*, *ex
rel.* MATTHEW SACHS, *et al.*,
Plaintiffs,

v.

UNIVERSAL HEALTH SERVICES INC., *et
al.*,
Defendants.

UNITED STATES OF AMERICA, *et al.*, *ex
rel.* DEBRA CONAWAY, *et al.*,
Plaintiffs,

v.

UNIVERSAL HEALTH SERVICES INC., *et
al.*,
Defendants.

CIVIL ACTION
No. 2:17-cv-03249-AB

CIVIL ACTION
No. 2:17-cv-03332-AB

CIVIL ACTION
No. 2:17-cv-03604-AB

CIVIL ACTION
No. 2:17-cv-02233-AB

UNITED STATES OF AMERICA, *ex rel.*
STEVEN G. KLOTZ,
Plaintiffs,

v.

UNIVERSAL HEALTH SERVICES INC., *et
al.*,
Defendants.

UNITED STATES OF AMERICA, *et al.*, *ex
rel.* WAYNE BROCKMAN, *et al.*,
Plaintiffs,

v.

UNIVERSAL HEALTH SERVICES INC., *et
al.*,
Defendants.

UNITED STATES OF AMERICA, *et al.*, *ex
rel.* THOMAS GLASS,
Plaintiffs,

v.

UNIVERSAL HEALTH SERVICES INC., *et
al.*,
Defendants.

CIVIL ACTION
No. 2:17-cv-05163-AB

CIVIL ACTION
No. 2:17-cv-05350-AB

CIVIL ACTION
No. 2:18-04018-AB

JOINT NOTICE OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(2) and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), the United States, the “participating plaintiff states,”¹ and relators (collectively, “plaintiff parties”) file this Joint Notice of Dismissal in accordance with the July 6, 2020 Settlement Agreement among the United States, defendant Universal Health Services, Inc. (“UHS”), and relators (the “federal Settlement Agreement”) and the July 7, 2020 settlement agreements between the participating plaintiff states and UHS (the “state settlement agreements”).

Specifically, the plaintiff parties request the entry of an order: (1) dismissing these actions with prejudice as to relators, with the exception of certain relators’ claims for costs, fees, and expenses pursuant to 31 U.S.C. § 3730(d) or for retaliation pursuant to 31 U.S.C. § 3730(h) as detailed below; (2) dismissing these actions with prejudice as to the United States and the participating plaintiff states with respect to the Covered Conduct set forth in the Settlement Agreement and without prejudice as to the United States and the participating plaintiff states as to all remaining claims; (3) dismissing *United States, et al. ex rel. Doe, et al. v. Universal Health Services, Inc., et al.*, No. 2:14-cv-00921, without prejudice as to the State of Hawaii; and (4) providing that the Court retain jurisdiction over any disputes that may arise regarding the settlement agreements.

Pursuant to (1) above, the following claims are not being dismissed at this time:

(a) In *United States ex rel. Chisholm v. Universal Health Services, Inc., et al.*, No. 2:17-cv-01892-AB, relator’s claims for costs, fees, and expenses pursuant to 31 U.S.C. § 3730(d) and for retaliation pursuant to 31 U.S.C. § 3730(h);

¹ The “participating plaintiff states” are California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, Tennessee, Texas, Virginia, and Washington.

(b) In *United States ex rel. Brinson, et al. v. Universal Health Services, Inc., et al.*, No. 2:14-cv-07275-AB, relators' claims for costs, fees, and expenses pursuant to 31 U.S.C. § 3730(d) and relator Demeka Smith's claim for retaliation pursuant to 31 U.S.C. § 3730(h);

(c) In *United States ex rel. Mitchell v. Turning Point Care Center, Inc., et al.*, No. 2:15-cv-00259-AB, relator's claims for costs, fees, and expenses pursuant to 31 U.S.C. § 3730(d) and for retaliation pursuant to 31 U.S.C. § 3730(h);

(d) In *United States ex rel. Conaway, et al. v. Universal Health Services, Inc., et al.*, No. 2:17-cv-02233-AB, relators' claims for costs, fees, and expenses pursuant to 31 U.S.C. § 3730(d); and

(e) In *United States ex rel. Brockman, et al. v. Universal Health Services, Inc., et al.*, No. 2:17-cv-05350-AB, relators' claims for costs, fees, and expenses pursuant to 31 U.S.C. § 3730(d).

A proposed order accompanies this notice.

Respectfully submitted,

DATED: July 29, 2020

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with Consent of the Plaintiff States

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No. 2:17-cv-03332-AB

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No. 2:17-cv-02233-AB

UNITED STATES OF AMERICA, *ex rel.*
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UNITED STATES OF AMERICA, *et al.*, *ex
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No. 2:17-cv-05163-AB

CIVIL ACTION
No. 2:17-cv-05350-AB

CIVIL ACTION
No. 2:18-04018-AB

ORDER

AND NOW, this _____ day of _____, 2020 it is ORDERED that
pursuant to Fed. R. Civ. P. 41(a)(2) and the *qui tam* provisions of the False Claims Act, 31
U.S.C. § 3730(b)(1), and in accordance with the July 6, 2020 Settlement Agreement among the
United States, defendant Universal Health Services, Inc. (“UHS”), and relators (the “federal

Settlement Agreement") and the July 7, 2020 settlement agreements between the participating plaintiff states² and UHS (the "state settlement agreements"), these actions are:

(1) DISMISSED WITH PREJUDICE as to relators, with the exception of certain relators' claims for costs, fees, and expenses pursuant to 31 U.S.C. § 3730(d) or for retaliation pursuant to 31 U.S.C. § 3730(h) as detailed below;

(2) DISMISSED WITH PREJUDICE as to the United States and the participating plaintiff states with respect to the Covered Conduct set forth in the Settlement Agreement and WITHOUT PREJUDICE as to the United States and the participating plaintiff states as to all remaining claims; and

(3) *United States, et al. ex rel. Doe, et al. v. Universal Health Services, Inc., et al.*, No. 2:14-cv-00921, is DISMISSED WITHOUT PREJUDICE as to the State of Hawaii;

It is FURTHER ORDERED that this Court will retain jurisdiction over any disputes that may arise regarding the settlement agreements.

Pursuant to (1) above, the following claims are excluded from this dismissal:

(a) In *United States ex rel. Chisholm v. Universal Health Services, Inc., et al.*, No. 2:17-cv-01892-AB, relator's claims for costs, fees, and expenses pursuant to 31 U.S.C. § 3730(d) and for retaliation pursuant to 31 U.S.C. § 3730(h);

(b) In *United States ex rel. Brinson, et al. v. Universal Health Services, Inc., et al.*, No. 2:14-cv-07275-AB, relators' claims for costs, fees, and expenses pursuant to 31 U.S.C. § 3730(d) and relator Demeka Smith's claim for retaliation pursuant to 31 U.S.C. § 3730(h);

² The "participating plaintiff states" are California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, Tennessee, Texas, Virginia, and Washington.

- (c) In *United States ex rel. Mitchell v. Turning Point Care Center, Inc., et al.*, No. 2:15-cv-00259-AB, relator's claims for costs, fees, and expenses pursuant to 31 U.S.C. § 3730(d) and for retaliation pursuant to 31 U.S.C. § 3730(h);
- (d) In *United States ex rel. Conaway, et al. v. Universal Health Services, Inc., et al.*, No. 2:17-cv-02233-AB, relators' claims for costs, fees, and expenses pursuant to 31 U.S.C. § 3730(d);
- (e) In *United States ex rel. Eborall v. Universal Health Services, Inc., et al.*, No. 2:17-cv-03249-AB, relator's claims for costs, fees, and expenses pursuant to 31 U.S.C. § 3730(d); and
- (f) In *United States ex rel. Brockman, et al. v. Universal Health Services, Inc., et al.*, No. 2:17-cv-05350-AB, relators' claims for costs, fees, and expenses pursuant to 31 U.S.C. § 3730(d).

BY THE COURT:

HONORABLE ANITA B. BRODY
Judge, United States District Court

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Joint Notice of Dismissal and Proposed Order were sent via email, to the following:

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Date: July 29, 2020